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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,543	01/09/2002	Brian Albright	2425	7309

7590

02/08/2006

Beck & Tysver, P.L.L.C.  
Suite 100  
2900 Thomas Avenue S.  
Minneapolis, MN 55416

EXAMINER

JEANTY, ROMAIN

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/043,543	<b>Applicant(s)</b> ALBRIGHT ET AL.	
	<b>Examiner</b> Romain Jeanty	<b>Art Unit</b> 3623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is in response to the filing of this application on January 09,
200. Claims 1-9 are pending in the application for examination.

### **Claim Rejections - 35 USC § 112**

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said data storage means". It is unclear as what data storage applicant is referring. There is insufficient antecedent basis for this limitation in the claim 1. To overcome the 35 U.S.C. 112 rejection, the examiner suggests that applicant amends the claim to insert --data storage-- after data in line 3.

Any claims depending from independent claim1, these claims also rejected under 35 U.S.C. 112 second rejection.

### **Claim Rejections - 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3623

5. Claims 1-2, 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Huang et al (U.S. Patent No. 6,151,2000)

As per claim 1, Huang et al disclose a decision support system for the management of an agile supply chain. In so doing, Huang et al discloses:

(a) means for modeling results of a specified proposed promotion action (col. 44, lines 40-46; and col. 53, line 41 through col. 54 line 67);

b) means for storing historical sales data (i.e. a database for storing historical sales data) (col. 6, lines 25-36)

c) means for facilitating communication between a human user and said support system (col. 99, lines 14-24;

d) means, coupled to said modeling means, to said data storage means and to said communication means, for coordinating data communications amongst said data storage means, said modeling means and said communication means (col. 99, lines 14-24).

As per claim 2, Huang et al discloses a decision support system for the management of an agile supply chain. In so doing, Huang et al discloses:

a) a modeling engine for predicting results of a proposed marketing strategy (col. 44, lines 40-46; and col. 53, line 41 through col. 54 line 67);

b) database linked to the modeling engine to supply the modeling engine with historical data to aid in predicting results of a marketing decision (i.e., a database for storing historical sales data) (col. 6, lines 25-36);

c) a communication tool having a graphical user interface allowing a user to define a what-if scenario for modeling by the modeling engine (col. 99, lines 14-24);

Art Unit: 3623

c) a management tool linking said communication tool to said modeling engine for data communication therebetween (col. 99, lines 14-24).

As per claim 4, marketing decision support system according to claim 2, further comprising data storage for supply chain data and wherein said management tool draws data from said supply chain data storage and provides said supply chain data to the modeling engine to assist in its analysis of the results of a proposed marketing strategy.

As per claim 5, Huang et al further discloses a marketing decision support system according to claim 1, wherein said communication tool selectively displays predicted results of a user-defined what-if scenario (col. 5, lines 53-61), performance metrics of an implemented marketing strategy (col. 96, lines 52-65), and predicted trend of an implemented marketing strategy (col. 18, lines 46-65).

### **Claim Rejections - 35 USC § 103**

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al (U.S. Patent No. 6,151,582).

As per claims 3, and 6, Huang teaches marketing decision support system according to claim 2 above, but Huang et al fails to disclose wherein said communication tool is browser

Art Unit: 3623

based. However, Web browsers are well-known in the art, and are readily available from such corporations as Netscape Communications Corp. and Microsoft Corp. It would have been obvious to a person of ordinary skill in the art to have modified the disclosures of Huang et al to include a communication tools which is a browser based in order to permit users to send and receive email and to read and respond to email.

As per claim 6, Huang does not explicitly disclose wherein said communication tool includes a menu of options for a user's selection to appear on a browser home page, said menu of options including company-specific items. However, including a menu of options for a user's selection to appear on a browser home page, said menu of options including company-specific items would have been obvious to a person of ordinary skill in the art with motivation to permit the user to receive and view the company items.

As per claims 7, 8 and 9, the claimed features are standard practice in the marketing decision. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have included such features into Huang et al in order to allow a decision maker to understand the effect their decisions will have on the supply chain as a whole.

### **Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Garg (U.S. Patent No. 6,009,407) discloses a marketing and operations decision-making system.

Art Unit: 3623

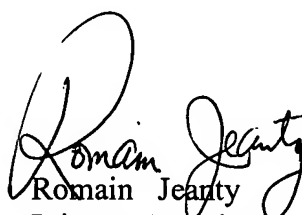
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RJ

February 6, 2006

  
Romain Jeanty  
Primary Examiner  
Art Unit 3623